

1 J. Andrew Coombs (SBN 123881)
andy@coombsp.com
2 Nicole L. Drey (SBN 250235)
nicole@coombsp.com
3 J. Andrew Coombs, A Prof. Corp.
517 East Wilson Avenue, Suite 202
4 Glendale, California 91206
Telephone: (818) 500-3200
5 Facsimile: (818) 500-3201

MADE JS-6

6 Attorneys for Plaintiff Warner Bros.
Entertainment Inc.

7
8 Gary J. Valeriano (SBN 89644)
gjb@amclaw.com
9 Mark J. Krone (SBN 219806)
mk@amclaw.com
Anderson, McPharlin & Connors LLP
10 Thirty-First Floor
444 South Flower Street
11 Los Angeles, California 90071
Telephone: (213) 688-0080
12 Facsimile: (213) 622-7594

13 Attorneys for Defendant Thomas Cote
a/k/a Tom Cote, an individual and d/b/a
14 VintageClassicMovies.com

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 Warner Bros. Entertainment Inc.,
18
19 Plaintiff,

20 v.

21 Thomas Cote a/k/a Tom Cote, an
individual and d/b/a
22 VintageClassicMovies.com, and Does 1 –
10, inclusive,

23 Defendants.
24

Case No. CV10-2332 GW (Ex)
25
26
27
28
CONSENT DECREE AND
PERMANENT INJUNCTION

25 The Court, having read and considered the Joint Stipulation for Entry of
26 Consent Decree and Permanent Injunction that has been executed by Plaintiff Warner
27 Bros. Entertainment Inc. (“Plaintiff”) and Defendant Thomas Cote a/k/a Tom Cote, an
28

1 individual and d/b/a VintageClassicMovies.com (“Defendant”), in this action, and
2 good cause appearing therefore, hereby:

3 ORDERS that based on the parties’ stipulation and only as to Defendant, his
4 successors, heirs, and assignees, this Injunction shall be and is hereby entered in the
5 within action as follows:

6 1) This Court has jurisdiction over the parties to this action and over the subject
7 matter hereof pursuant to 17 U.S.C. § 101 *et seq.*, and 28 U.S.C. §§ 1331 and 1338.
8 Service of process was properly made against Defendant.

9 2) Plaintiff claims that it owns or controls the pertinent rights in and to the
10 copyright registrations listed in Exhibit “A” attached hereto and incorporated herein
11 by this reference (The copyrights identified in Exhibit A are collectively referred to
12 herein as “Plaintiff’s Properties”).

13 3) Plaintiff has alleged that Defendant has made unauthorized uses of Plaintiff’s
14 Properties or substantially similar likenesses or colorable imitations thereof.

15 4) Defendant and his agents, servants, employees and all persons in active concert
16 and participation with him who receive actual notice of the Injunction are hereby
17 restrained and enjoined from:

18 a) Infringing Plaintiff’s Properties, either directly or contributorily, in any
19 manner, including generally, but not limited to manufacturing, importing,
20 reproducing, distributing, advertising, selling and/or offering for sale any
21 unauthorized product which features any of Plaintiff’s Properties
22 (“Unauthorized Products”), and, specifically from:

23 i) Importing, manufacturing, reproducing, distributing, advertising,
24 selling and/or offering for sale the Unauthorized Products or any other
25 unauthorized products which picture, reproduce, copy or use the
26 likenesses of or bear a substantial similarity to any of Plaintiff’s
27 Properties;
28

- 1 ii) Importing, manufacturing, reproducing, distributing, advertising,
2 selling and/or offering for sale in connection thereto any unauthorized
3 promotional materials, labels, packaging or containers which picture,
4 reproduce, copy or use the likenesses of or bear a confusing similarity to
5 any of Plaintiff's Properties;
6 iii) Engaging in any conduct that tends falsely to represent that, or is
7 likely to confuse, mislead or deceive purchasers, Defendant's customers
8 and/or members of the public to believe, the actions of Defendant, the
9 products sold by Defendant, or Defendant himself are connected with
10 Plaintiff, are sponsored, approved or licensed by Plaintiff, or are affiliated
11 with Plaintiff;
12 iv) Affixing, applying, annexing or using in connection with the
13 importation, manufacture, reproduction, distribution, advertising, sale
14 and/or offer for sale or other use of any goods or services, a false
15 description or representation, including words or other symbols, tending
16 to falsely describe or represent such goods as being those of Plaintiff.

17 5) Each side shall bear its own fees and costs of suit.

18 6) Except as provided herein, all claims alleged in the Complaint are dismissed
19 with prejudice.

20 7) This Injunction shall be deemed to have been served upon Defendant at the time
21 of its execution by the Court.

22 8) The Court finds there is no just reason for delay in entering this Injunction and,
23 pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs
24 immediate entry of this Injunction against Defendant.

25 9) The Court shall retain jurisdiction of this action to entertain such further
26 proceedings and to enter such further orders as may be necessary or appropriate to
27 implement and enforce the provisions of this Injunction.
28

10) The above-captioned action, shall, upon filing by Plaintiff of the Settlement Agreement, Stipulation for Entry of Judgment and Judgment Pursuant to Stipulation, and requesting entry of judgment against Defendant, be reopened should Defendant default under the terms of the Settlement Agreement.

11) This Court shall retain jurisdiction over the Defendant for the purpose of making further orders necessary or proper for the construction or modification of this consent decree and judgment; the enforcement hereof; the punishment of any violations hereof; and for the possible entry of a further Judgment Pursuant to Stipulation in this action.

DATED: September 16, 2010



Hon. George H. Wu
Judge, United States District Court
for the Central District of California

PRESENTED BY:

J. Andrew Coombs, A Prof. Corp.

By: _____
J. Andrew Coombs
Nicole L. Drey
Attorneys for Plaintiff Warner Bros.
Entertainment Inc.

Anderson, McPharlin & Connors LLP

By: _____
Gary J. Valeriano
Mark J. Krone
Attorneys for Defendant Thomas Cote
a/k/a Tom Cote, an individual and
d/b/a VintageClassicMovies.com

Exhibit A

TITLES	REGISTRATION NO.
ALONG THE RIO GRANDE (1941)	R435612
ANNAPOLIS SALUTE 1937	R354274
ASK ANY GIRL (1959)	RE 341-210
BARBARIAN, THE (1933)	R257277
BEAUTIFUL BUDAPEST (1938)	R358835
BEAUTY & THE BOSS...1932	R235211
BECAUSE YOU'RE MINE 1952	RE43727
BIG CITY BLUES...1932	R242624
BIG HEARTED HERBERT (1934)	R286407
BIG SHAKEDOWN, THE--1934	R272618
BIG SHOT, THE- 1931	R234897
BITTER SWEET 1940	R422052
BLONDIE OF THE FOLLIES--1932	R243005
BLOOD ON THE MOON (1948)	R627222
BOY AND HIS DOG - 1946	R576593
BRIGHT LEAF (1950)	R671969
BRITISH AGENT (1934)	R286406
COBWEB, THE (1955)	RE151760
CONFESSIONS OF A NAZI SPY -1939- 104 MINS - EDWARD G. ROBINSON, PAUL LUKAS	R408948
CONFLICT 1945	R538967
CONQUEST - 1937	R347844
CRACKED NUTS (1931)	R233572
CROSS OF LORRAINE, THE - 1943	R494776
DANCING SWEETIES - 1930	R195748
DARK HORSE...1932	R238218
DAWN PATROL, THE (1930)	R207502
DESERT NIGHTS (1929)	R186417
DEVIL IS A SISSY, THE--1936	R322538
DEVIL MAKES THREE, THE (1952)	RE43726
DON JUAN - 1926	R131089
DOWNSTAIRS (1931)	R241472
DRAEGERMAN COURAGE (1937)	R333680
DRAGON SEED (1944)	R509580
DYNAMITE (1929)	R191968
EASIEST WAY, THE (1931)	R209593

1	EDGE OF DARKNESS (1943)	R498959
2	ENCHANTED COTTAGE, THE (1945)	R529248
3	EXIT SMILING (1926)	R136525
4	FACING YOUR DANGER - 1946	R543345
5	FAITHLESS (1932)	R244536
6	FIVE STAR FINAL (1931)	R221914
7	FLORODORA GIRL, THE (1930)	R206815
8	FRISCO JENNY (1933)	R256864
9	GAY BRIDE, THE--1934	R285507
10	GOING Highbrow - 1935	R304081
11	GOING HOLLYWOOD - 1933	R268124
12	GOLD DUST GERTIE (1931)	R215574
13	GOLDEN ARROW--1936	R318891
14	GOODBYE MISS TURLOCK - 1947	R596213
15	GRAND SLAM 1933	R256872
16	GREAT GARRICK, THE (1937)	R359639
17	GREEN FIRE 1954	RE116760
18	GREEN YEARS, THE (1946)	R549971
19	GUY NAMED JOE - 1943	R498857
20	HELL DIVERS (1932)	R230217
21	HITLER'S MADMAN (1943)	R488042
22	HOLIDAY AFFAIR, THE (1949)	R648102
23	HOLLYWOOD REVUE OF 1929, THE	R191970
24	HOTEL (1967)	RE703855
25	IF I WERE FREE (1933)	R268813
26	JEWEL ROBBERY (1932)	R239605
27	JOHN PAUL JONES 1959	RE342419
28	JOURNEY, THE (1958)	R279403
	LADY OF CHANCE, A (1929)	R180194
	LADY OF THE NIGHT (1925)	R106671
	LET'S TRY AGAIN - 1934	R281534
	LITTLE GIANT, THE (1933)	R256997
	LOST LADY, A (1934)	R286405
	MADAME X (1929)	R189160
	MAISIE GETS HER MAN 1942	R462538
	MANDALAY (1934)	R272622
	MARE NOSTRUM (1926)	R133179
	MARY STEVENS M.D. (1933)	R258576
	MASTER OF BALLANTRAE (1953)	RE50824

1	MAYTIME 1937	R334475
2	MERRY WIDOW (1925)	R115459
3	MR. CINDERELLA...1936	R324569
4	MR. DODD TAKES THE AIR (1937)	R345396
5	NAUGHTY MARIETTA (1935)	R292426
6	NAVY BLUE AND GOLD 1937	R349435
7	NAVY BLUES 1941	R460023
8	NAZI AGENT -1942- 083 MINS - CONRAD VEIDT, ANNE AYARS	R454350
9	NEPTUNE'S DAUGHTER 1949	R633102
10	NEVER SAY GOODBYE 1946	R562334
11	NEW MOON 1940	R412529
12	NIGHT WAITRESS...1936	R334518
13	NO OTHER WOMAN (1933)	R267265
14	OF HUMAN HEARTS (1938)	R356574
15	ONE WAY PASSAGE (1932)	R242628
16	OUR BLUSHING BRIDES (1930)	R207065
17	OUTWARD BOUND 1930	R208830
18	PAGAN, THE (1929)	R181220
19	PAID--1930	R207788
20	PARNELL (1937)	R338639
21	PEG O' MY HEART - 1933	R257279
22	PRIVATE DETECTIVE 62 - (1933)	R260649
23	RACHEL AND THE STRANGER (1948)	R627227
24	RACKET, THE (1951)	RE42-687
25	RAGE IN HEAVEN (1941)	R430335
26	RED LIGHT 1949	R648975
27	RED LILY (1924)	R97770
28	ROSE MARIE 1936	R310001
	SAFE IN HELL (1931)	R228043
	SANDPIPER, THE (1965)	RE630513
	SCAPEGOAT 1959	RE279863
	SEARCH, THE (1948)	R602593
	SECOND CHANCE 1953	RE104-287
	SHINING VICTORY 1941	R460014
	SHOW BOAT 1936	R315829
	SHOW PEOPLE (1928)	R175595
	SHOW, THE 1927	R140596
	SMART SET, THE (1928)	R164419

1	SOLDIER IN THE RAIN (1963)	RE562423
2	SOME CAME RUNNING (1958)	RE279860
3	SOUTHERN YANKEE, A 1948	R610725
4	STORY OF LOUIS PASTEUR (1936)	R311600
5	STRANGER ON THE THIRD FLOOR, THE (1940)	R422278
6	STRIP, THE 1951	RE10230
7	SWEEPINGS (1933)	R267272
8	SWEETHEARTS 1938	R375821
9	SWING HIGH - 1932	R247286
10	SYMPHONY OF SIX MILLION (1932)	R242087
11	TASK FORCE 1949	R642536
12	TELL IT TO THE MARINES (1925)	R136526
13	THAT'S ENTERTAINMENT II 1976	RE901114
14	THAT'S ENTERTAINMENT III 1994	PA691805
15	THEIR OWN DESIRE 1930	R194773
16	THRILL OF A ROMANCE - 1945	R529402
17	TORPEDO RUN 1958	RE279856
18	TORRENT 1926 (IBANEZ' TORRENT)	R125379
19	TWO MRS. CARROLLS, THE 1947	R578352
20	UNTAMED (1930)	R197581
21	WEEK-END AT THE WALDORF - 1945	R532013
22	WEST POINT (1928)	R160107
23	WEST POINT OF THE AIR (1935)	R292174
24	WHAT EVER HAPPENED TO BABY JANE (1962)	RE484440
25	WHITE SHADOWS IN THE SOUTH SEAS (1928)	R176995
26	YANK AT ETON, A 1942	R467146
27	YOU CAN'T ESCAPE FOREVER 1942	R474651
28		